

Breakdown of RCW 88.46.160

- **Develop conceptual timeline for the committee work.**
- **Identify gaps we see right now.**
- **Identify areas for consistency with federal requirements.**
- **Help you think about studies and future discussions we need.**

RCW 88.46.160 Applicability:

Person or facility (“deliverer”) conducting ship refueling & bunkering or lightering and person or facility (deliverer) transferring to tank vessel. Not applicable to non-commercial vessels.

- Mobile Facility
- Fixed Facility
- Ships/Tank Vessels

Comment: Feds put a limit on the receiving entity: transfers to vessels with capacity of 250 barrels or more. Goal for Ecology is to align definitions with feds.

RCW 88.46.160 Required:

The “deliverer” shall have containment and recovery equipment (and be trained in its use) readily available, and deploy it according to state standards.

The standards shall state when containment equipment is required to be deployed prior to transfer (when safe and effective).

Comment: Study the California program. Determine feasibility of pre-booming.

RCW 88.46.160 May Require:

Other alternative measures including but not limited to:

- Automatic shut off devices;
- Alarms;
- Extra personnel;
- Containment equipment deployed quickly & effectively.
- What else?

Comment: Study industry practices, federal & state programs. Look for other prevention ideas. Seek advice from committee on how to balance prevention and preparedness.

Legislative Direction to Ecology:

Standards must be suitable to specific environmental and operational conditions and characteristics of facility subject to standards, must consult with Coast Guard to develop standards compatible with federal requirements.

Risks differ between deliverers – tailor requirements appropriately.

Final Legislative report from Ecology due in September, Ecology to make recommendations on gaps:

	Mobile Facility		Fixed Facility		Ship, Tank Vessel	
	State	Feds	State	Feds	State	Feds
Who Regulates?	No*	Yes	Yes, some*	Yes	Yes, some*	Yes, some

Comment: Haven't exercised authority with mobile facilities, gap in fixed facilities with mobile delivery, gap in definitions of facility and ship, and lower limit on applicability (250 barrels?)

What rule(s) will be affected:

Contingency Plans for Facilities Chapter 173-181 WAC

Prevention Plans for Facilities Chapters 173-180 a, b, c, d WAC

Contingency Plans for Vessels Chapter 317-10 WAC

Bunkering Requirements Chapter 317-40 (broadened to include all applicable oil transfers).

Available at <http://www.ecy.wa.gov/laws-rules/index.html>

Comment: We need to keep in mind that there is a deadline of June 2006.

Other things for the Committee to look at:

Recent spills during oil transfers.

Causes of spills – fuzzy data.

Experiences of CG and state in monitoring transfers.

BC-States Task Force matrix.

Conceptual timeline for committee and rulemaking.